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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,499	05/16/2001	Patrick Blanc	Q64525	9426

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EXAMINER

GANTT, ALAN T

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,499

Applicant(s)

BLANC, PATRICK

Examiner

Alan T. Gantt

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application⁷ (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 10/8/04 have been fully considered but they are not persuasive. Applicant primarily argues that:

(a) The Salonaho reference fails to teach signaling a reference transmission power and periodically adjusting the transmission power to the reference power at the adjustment period

(b). Salonaho lacks periodically adjusting the transmission power based on the reference transmission power received and signaling an adjustment period along with a reference transmission power and adjusting the power at the signaled periods.

Regarding (a) and (b), per the Abstract, Salonaho teaches power correction intervals, calculating target power and correction step limits for each base station, signaling these parameters to each base station, and each base station executes a power correction algorithm. Typically, intervals are thought of as quite often being periodic. The target power is the reference power as called out in the claim. These parameters are signaled to each base station. The base station does adjust this reference within the power correction or adjustment interval. Thus, Salonaho meets the language of claims 1, 6, and 9. Applicant seeks to detail differences with Salonaho with the arguments. However, because of the lack of these details within the claims, his claimed invention is not distinguished from Salonaho.

Thus, the Rejection is upheld.

DETAILED ACTION

Claim Rejections - 35 USC § 102

Art Unit: 2684

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Salonaho.

Regarding claim 1, Salonaho discloses a method and apparatus for power control in a mobile telecommunication system where time is divided into power correction intervals where a target power and correction steps are determined for each base station where the application is pertinent during soft handoffs, i.e. macro-diversity (Abstract and page 1, lines 3-5). Salonaho meets the following limitations:

wherein a reference transmission power for said adjustment is signaled to each of said base stations together with an adjustment period, (page 4, lines 4-6 [the reference transmission power is the target power level]) and

wherein each of said base stations periodically adjusts its transmission power to said reference transmission power, at said adjustment period. (page 6, lines 15-37)

Regarding claim 2, Salonaho meets the limitation: A method according to claim 1, wherein said periodically-performed adjustments are performed at predetermined instants. (page 6, lines 15-37)

Regarding claim 3, Salonaho meets the limitation: A method according to claim 2, wherein the transmitted information is structured in the form of frames that are numbered using continuous increasing numbering, said adjustment period is expressed as a number N of frames, and said predetermined instants corresponds to frames numbered n (modulo N), where $0 \leq n < N$ (page 6, lines 15-37 [power correction interval-an interval is a frame])

Regarding claim 4, Salonaho meets the limitation: A method according to claim 1 wherein an updated value for the adjustment period can be signaled. (page 6, lines 15-37 and page 7, line 5-21)

Regarding claim 5, Salonaho meets the limitation: A method according to claim 1, wherein an updated reference transmission power value can be signaled. (page 6, lines 15-37)

Regarding claim 6, Salonaho discloses a method and apparatus for power control in a mobile telecommunication system where time is divided into power correction intervals where a target power and correction steps are determined for each base station

where the application is pertinent during soft handoffs, i.e. macro-diversity. Salonaho meets the limitation:

a radio network controller, including, for adjusting transmission powers in base stations transmitting in macro-diversity in a mobile radiocommunication system, (page 5, lines 23-31)

means for signaling a reference transmission power value for said adjustment to each of said base stations, together with an adjustment period. (page 4, lines 4-20 and page 5, lines 7-31)

Regarding claim 7, Salonaho meets the limitation: A radio network controller according to claim 6, including means for signaling an updated adjustment period value. (page 6, lines 15-37 and page 7, line 5-21)

Regarding claim 8, Salonaho meets the limitation: A radio network controller according to claim 6, including means for signaling an updated reference transmission power value. (page 6, lines 15-37)

Regarding claim 9, Salonaho discloses a method and apparatus for power control in a mobile telecommunication system where time is divided into power correction intervals where a target power and correction steps are determined for each base station where the application is pertinent during soft handoffs, i.e. macro-diversity. Thus, Salonaho meets the limitation of a base station, including, for adjusting its transmission power when transmitting in macro-diversity in a mobile radiocommunication system:

means for receiving a reference transmission power value for said adjustment, as transmitted by a radio network controller together with an adjustment period, (page 4, lines 4-20) and

means for periodically adjusting its transmission power to said reference transmission power value, at said adjustment period. (page 6, lines 15-37)

Regarding claim 10, Salonaho meets the limitation: A mobile radiocommunication system, comprising means for performing a method according to claim 1. (page 3, lines 14-31)

Regarding claim 11, Salonaho meets the limitation: A method according to claim 1, wherein said periodically-performed adjustments are performed at predetermined instants. (page 6, lines 15-37)

Regarding claim 12, Salonaho meets the limitation: A method according to claim 2, wherein the transmitted information is structured in the form of frames that are numbered using continuous increasing numbering, said adjustment period is expressed as a number N of frames, and said predetermined instants corresponds to frames numbered n (modulo N), where $0 \leq n < N$ (page 6, lines 15-37 [power correction interval-an interval is a frame])

Art Unit: 2684

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (703) 305-0077. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703) 872-9306.

Any inquiry of a general nature or relating to this application should be directed to the group receptionist at telephone number (703) 305-4700.

Alan T. Gantt

Alan T. Gantt

December 10, 2004

Nick Corsaro

**NICK CORSARO
PRIMARY EXAMINER**